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9	and all Defendants		•
10	IN THE UNITED STA		
11	FOR THE DIST	RICT OF	NEVADA
12	STATE OF NEVADA,)	Case No. 3:18-cv-569-MMD-CBC
13	Plaintiff,)	
14	770)	DECL ID INION OF DOVICE AS
15	VS.)	DECLARATION OF BRUCE M. DIAMOND
16	UNITED STATES; UNITED STATES DEPARTMENT OF ENERGY; RICK)	
ĺ	PERRY, in his official capacity as Secretary)	
17	of Energy; NATIONAL NUCLEAR SECURITY ADMINISTRATION; and)	
18	LISA E. GORDON, in her official capacity)	
19	as Administrator of the National Nuclear Security Administration and Undersecretary)	
20	for Nuclear Security,)	
21	Defendants.)	
22)	
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additional information to the Court and the parties.

1. I am the General Counsel for the National Nuclear Security Administration ("NNSA").

2. After further review of the unusual circumstances surrounding the release of information concerning the shipment of plutonium to Nevada in compliance with the injunction issued by the U.S. District Court in South Carolina and the need to protect national security while providing as much transparency as feasible, the Department of Energy ("DOE") has determined that certain information relevant to the Nevada litigation is now declassified and it may now provide

3. In order to provide security for its shipments of these kinds of materials DOE normally will not release information about the status of the shipment(s) until sometime after the shipping "campaign" is concluded. The agency originally determined that all shipments related to compliance with the order of the U.S. District Court in South Carolina constituted one campaign. After due consideration, and in light of the factors set out above, DOE has now decided that it may consider the shipment of plutonium to Nevada under the court order as a separate campaign.

4. Because sufficient time has now elapsed after conclusion of this campaign, DOE may now publicly state that it has completed all shipment of plutonium (approximately ½ metric ton) to Nevada pursuant to its efforts to comply with the South Carolina U.S. District Court order. Although the precise date that this occurred cannot be revealed for reasons of operational security, it can be stated that this was done before November 2018, prior to the initiation of the litigation.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief. Executed on January 30, 2019 By: Bruce M. Diamond General Counsel National Nuclear Security Administration

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1 CERTIFICATE OF SERVICE 2 I hereby certify that a copy of the foregoing document was electronically filed on January 30, 2019, with the Clerk of the Court and served using the CM/ECF system upon the following 3 parties/attorneys of record: 4 Charles J Fitzpatrick 5 Egan Fitzpatrick Malsch & Lawrence PLLC 6 7500 Rialto Blvd., Building 1, Suite 250 7 Austin, TX 78735 210-496-5001 8 Email: cfitzpatrick@nuclearlawyer.com 9 Daniel P Nubel 10 Nevada Office of the Attorney General 11 100 N. Carson St. Carson City, NV 89701 12 775-684-1225 Fax: 775-684-1108 13 Email: dnubel@ag.nv.gov 14 John W Lawrence 15 Egan Fitzpatrick Malsch & Lawrence PLLC 7500 Rialto Blvd. 16 Building 1, Suite 250 17 Austin, TX 78735 210-496-5001 18 Email: jlawrence@nuclearlawyer.com 19 Marta A. Adams 20 Nevada Attorney General 100 North Carson Street 21 Carson City, NV 89701-4717 22 775 6841237 Fax: 775 6841103 23 Email: madams@ag.nv.gov 24 Martin G Malsch 25

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